

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

LCassey:lc/OPPT-NPCD-FOB/26January1999/7404/260-1346/ET838:C/Marisol.wpd  
 File:NPCD/FOB;CHRON-READING;AUTHOR:/KEYWORD:Faure-/Waste Oil, Enforcement  
 Discretion.

JAN 22 1999

Mr. Warren W. Faure  
 Corporate Counsel  
 Marisol, Inc.  
 213 W. Union Avenue  
 Bound Brook, NJ 08805

Dear Mr. Faure:

This letter is in response to your letter dated January 13, 1999 concerning the disposal of contaminated waste oil.

After reviewing you situation, it is clear that there is no regulatory relief for your situation. I suggest that you discuss this situation with the company that sent you the waste and have them arrange for disposal. Any further action on this matter should be handled at the regional level. Please contact Mr. David Greenlaw in Region II at 732-906-6817 for assistance.

Sincerely

Tony Baney, Chief  
 Fibers and Organics Branch

cc: David Greenlaw, EPA Region II

CONCURRENCES							
SYMBOL	7404	7404					
SURNAME	Cassey, L	Baney					
DATE	1/26/99						

EPA Form 1320-1A (1/90)

Printed on Recycled Paper

OFFICIAL FILE COPY



**MARISOL** INC.  
SOLVENT RECYCLING

Warren W. Faure  
Corporate Counsel  
(732) 469-5100  
fax: (732) 469-2761  
marisol.wwfaure@juno.com

January 13, 1999

***VIA CERTIFIED MAIL***

Office of the Director  
National Programs Chemical Division (7404)  
Office of Pollution Prevention and Toxics  
United States Environmental Protection Agency  
401 M St., SW  
Washington, DC 20460

**Re: Exception Request**

Dear Madam/Sir:

Under cover of a letter dated August 18, 1998, Marisol provided the appropriate Notification of PCB Activity to this address. On the same date a letter and a copy of the Notification was also sent to the EPA Region II Administrator, Jeanne Fox, describing the circumstances involved in the Marisol's receipt of this material (copies enclosed). The purpose of this letter is to request permission to dispose of the subject material based upon its present PCB concentration of 32 ppm.

To provide some additional background, Marisol is a small company of less than 70 employees that for over 35 years has conducted the laudable business of recycling spent industrial waste solvents into useful products. In Marisol's energy recovery program, waste materials that cannot be feasibly recycled are blended to make a high BTU fuel that is shipped to energy recovery facilities such as cement kilns, where it substitutes for virgin fossil fuel in a thermal process necessary to make cement. Another process Marisol employs to recover valuable energy from waste is blending used oil into an alternative fuel used in space heaters and boilers.

On August 6, 1998, Marisol received a 3,400 gallon tank truck shipment of used oil from LORCO, a used oil marketer with which it frequently conducts business. While most used oil is non-hazardous, LORCO had determined this used oil contained 20,000 ppm halogens so it became a "presumptive" hazardous waste and was shipped to Marisol under an appropriate



Printed on Recycled Paper

Office of the Director  
Office of Pollution Prevention and Toxics  
United States Environmental Protection Agency  
January 13, 1999  
Page Two

hazardous waste manifest. LORCO's waste profile for this material indicated it was "non-detect" for PCBs. Because the waste profile LORCO provided to Marisol showed there were no PCBs, the used oil was added to approximately 16,000 gallons of other material in Marisol's 20,000 gallon storage tank. Unfortunately, Marisol's subsequent confirming analysis of a retained sample from the tank truck indicated the used oil had actually contained 200 ppm PCBs prior to adding the material to its storage tank. After adding the LORCO used oil material, a subsequent analysis of a sample from the storage tank (holding approximately 20,000 gallons) showed the mixture contains a concentration of 32 ppm PCBs.

There are several reasons that it is appropriate under these circumstances to allow this material to be thermally destroyed based upon its present concentration of 32 ppm PCBs. Most important, the destruction in a cement kiln will not pose any risk of injury to health or the environment. The cement kiln where the material would be sent has a combustion temperature of up to approximately 3000° F (over 1600° C) with a residence time of up to 6 seconds. These kiln operating parameters exceed the requirements for incineration of liquids containing 50 ppm or greater PCBs. See 40 C.F.R. 761.60 (a) and 761.70 (a). Thus, from a technical standpoint, this material would be destroyed in full compliance with the requirements of TSCA, eliminating any possible risk of injury to health or the environment. The second reason this course is appropriate is cost. Marisol is a small business and cannot easily absorb the ten fold increase in cost to send this large volume of material to an incinerator. And the inherent value of this material for energy recovery will be lost if the material is incinerated, increasing the amount of non-renewable fossil fuel that will be required by the cement kiln that would otherwise receive this material. Finally, it sends the wrong message to the regulated community if a company like Marisol is punished for doing the right thing, which is identifying PCBs in commerce, notifying appropriate federal and state authorities, and properly labeling and storing the material pending a determination of the appropriate disposition.

Performing these important functions has already cost Marisol greatly. It would be at great additional cost with no discernible positive effect if EPA mandates incineration. Yet regardless of the outcome, we must emphasize it will not lessen Marisol's resolve to always be in compliance with TSCA and all other federal and state regulations. We are proud of the fact that Marisol is the only RCRA TSD in the country that has received the annual EI Digest award seven years running for no violations. We trust EPA will give this request a thorough review and hope it will grant the requested approval to dispose of this material as discussed above. Thank you for your consideration of this matter.

Office of the Director  
Office of Pollution Prevention and Toxics  
United States Environmental Protection Agency  
January 13, 1999  
Page Three

Very truly yours,

A handwritten signature in cursive script, appearing to read "Warren W. Faure".

Warren W. Faure, Esq.

Enclosures

cc: Mr. David Eric Greenlaw (USEPA Reg. II, Edison, NJ)



**MARISOL** INC.  
SOLVENT RECYCLING

Warren W. Faure  
Corporate Counsel  
(732) 469-5100  
fax: (732) 469-2761  
marisol.wwfaure@juno.com

August 18, 1998

***VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED***

Fibers & Organics Branch, (7404)  
Office of Pollution Prevention & Toxics  
United States Environmental Protection Agency  
401 M Street, S.W.  
Washington, DC 20460

**Re: Notification of PCB Activity**

Dear Madam/Sir:

I am enclosing a Notification of PCB Activity completed on behalf of Marisol, Inc. as required by 40 C.F.R section 761.205. A copy of the Unmanifested Waste Report provided to the Regional Administrator for this material is also enclosed. If there are any questions regarding this matter do not hesitate to contact me.

Very truly yours,

Warren W. Faure

Enclosures

cc: James R. Nerger, President



Printed on Recycled Paper


 United States Environmental Protection Agency  
 Washington, DC 20460

# Notification of PCB Activity

 Form Approved  
 OMB No. 2070-0112  
 Approval expires 12-31-92

No information on this form may be claimed as TSCA CBI.

Return To:

 Fibers & Organics Branch, (7404)  
 Office of Pollution Prevention & Toxics  
 U.S. Environmental Protection Agency  
 401 M Street, S.W.  
 Washington, DC 20460

For Official Use Only

TSCA PCB ID Number

I. Name of Facility

Marisol, Inc.

Name of Owner of Facility

Marisol, Inc.

II. EPA Identification Number

(If already assigned under RCRA)

NJD 002 454 544

III. Facility Mailing Address (Street or PO Box, City, State, &amp; ZIP Code)

 125 Factory Lane  
 Middlesex, New Jersey 08846

IV. Location of Facility (No. &amp; Street, City, State, &amp; ZIP Code)

Same

V. Installation Contact (Name and Title)

James R. Nerger, President

VI. Type of PCB Activity (Mark 'X' in appropriate box. See instructions.)



A. Generator with onsite storage facility



B. Storer (Commercial)



C. Transporter



D. Permitted Disposer

Telephone Number (Area Code and Number)

732-469-5100

VII. Certification

Under civil and criminal penalties of law for the making or submission of false or fraudulent statements or representations (18 U.S.C. 1001 and 15 U.S.C. 2615), I certify that the information contained in or accompanying this document is true, accurate, and complete. As to the identified section(s) of this document for which I cannot personally verify truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate, and complete.

Signature

Name and Official Title (Type or print)

James R. Nerger, President

Date Signed

8/18/98

## Paperwork Reduction Act Notice

The public reporting burden for this collection of information is estimated to average 1.5 hours per response. This estimate includes time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information to the Chief, Information Policy Branch (PM-223), US Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, marked ATTENTION: Desk Officer for EPA.



**MARISOL** INC.  
SOLVENT RECYCLING

James R. Nerger  
President  
(732) 469-5100  
fax: (732) 469-1957  
marisol.jrnerger@juno.com

August 18, 1998

***VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED***

Jeanne M. Fox, Regional Administrator  
United States Environmental  
Protection Agency - Region II  
290 Broadway  
New York, NY 10007-1866

**Re: Unmanifested Waste Report  
and Notification of PCB Activity  
Marisol, Inc.  
125 Factory Lane  
Middlesex, New Jersey  
NJD 002 454 544**

Dear Ms. Fox:

The following summarizes information I have discussed during recent telephone conversations with Mr. David Greenlaw in USEPA's Edison, New Jersey office and provides background for the enclosed Notification of PCB Activity which is being sent to the USEPA in Washington D.C. today. This letter also constitutes Marisol's Unmanifested Waste Report as required by 40 C.F.R. 761.211.

On August 6, 1998, Marisol Inc., a RCRA Part B-permitted TSD facility, received 3400 gallons of waste oil under a hazardous waste manifest from LORCO, a used oil recycler in Old Bridge, New Jersey (NJD 084 044 064). LORCO's pre-shipment analytical testing on this material showed it contained 20,000 ppm of halogens, but was "non-detect" for PCB's. Based upon LORCO's analysis, Marisol believed no PCB's were present in the load and after sampling the load, it was pumped into our storage tank containing other waste solvents. The subsequent analysis of the truck's retain sample showed a PCB level of 200 ppm. An additional confirming analysis showed "non-detect" for PCB's. Another sample could not be taken since the truck had already been off-loaded. We sampled the storage tank and some of the remaining retain sample and sent both to a certified lab for analysis. The truck sample did show 200 ppm PCB's and the storage tank sample showed 32 ppm PCB's.

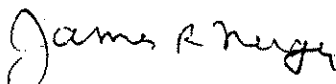


Printed on Recycled Paper

Ms. Jeanne Fox  
August 18, 1998  
Page Two

I realize that material containing 50 ppm or greater PCB's that is diluted to below 50 ppm PCB's must be treated as if it contained 50 ppm or greater PCB's. However, due to the inconsistent analytical results on the load and the fact that the tank does contain less than 50 ppm PCB's, I would like to request authorization to process the material as containing less than 50 ppm PCB's. I have notified NJDEP of the situation and have locked out and labeled the storage tank as required by 40 C.F.R. 761.40 until a final determination can be made. I appreciate your assistance in this matter and if you have any questions, please call me.

Very truly yours,

  
James R. Nerger, President

Enclosure

cc: Mr. David E. Greenlaw